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# Was Justice Dept Briefed on Illegal FBI, CIA Jobs?

Mardian, Mitchell Were Told, Ex-Agent Says

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Former CIA counterintelligence chief James Angleton claims that top Justice Department officials knew of and condoned the FBI's use of illegal mail openings, wiretappings and other techniques to track down radical fugitives in the early 1970s.

Angleton asserted yesterday that he personally briefed former Asst. Atty. Gen. Robert Mardian beginning in late 1970 on the FBI's activities. Angleton also had discussions with former Atty. Gen. John N. Mitchell about a questionable domestic CIA

mail-opening operation Mardian headed.

"The department was condoning the (FBI) activities when Mardian was in government . . . and all these matters were fully exposed in White House meetings," Angleton told a group of reporters.

Angleton is a critic of the recent indictment of a former FBI official accused of supervising illegal mail openings and wiretappings in pursuit of the radicals.

"THERE'S NO question that Mardian was aware, absolutely aware," Angleton declared, that the FBI was using illegal investigative techniques in its effort to apprehend members of the Weatherman organization who were being sought for bombings and other terrorist acts.

"Mardian was Mitchell's No. 1 man," Angleton said. "I cannot believe that Mardian was on a frolic of his own."

Mardian, now on private business in Phoenix, Ariz., denied through his secretary yesterday that he ever received briefings about FBI activities from Angleton. Earlier this year the Watergate special prosecutor's office dropped obstruction of justice charges against Mardian. He had been convicted in 1975 as a result of his conduct in the Justice Department during the Watergate break-in probe, but the conviction was reversed last October.

Mardian headed the Internal Security Division of the Justice Department from November 1970 to May 1972, when he resigned to join Mitchell in President Nixon's re-election committee.

ANGLETON, whose domestic CIA mail-opening operation came under intense congressional and Justice Department scrutiny, is starting an effort to raise defense funds for present and former FBI officials under indictment or investigation by the department for using illegal investigative techniques.

One former bureau official, John J. Kearney, who supervised a squad of agents assigned to track down radical fugitives in the New York City area, has been indicted on charges of operating an illegal mail-opening and wiretapping operation between 1970 and 1972.

Atty. Gen. Griffin B. Bell is reviewing the entire case because of the furor the indictment caused inside and outside of the bureau. Bell authorized the indictment several months after the Justice Department decided against prosecuting anyone involved in the CIA mail-opening operation. Critics contend that the same Justice Department standard should apply to FBI agents who participated in similar activities.

Angleton made his assertions after a luncheon sponsored by the American Security Council, a private group whose membership includes military and intelligence officers.

THE GUEST SPEAKER, Rep. Eldon Rudd, R-Ariz., criticized the indictment of Kearney and asserted that FBI agents were carrying out "specific instructions" of attorneys general and Justice Department superiors. But Rudd said he had no documentary evidence to support his claim. "I have been told," the congressman said, "that such operations could not have been carried out without written authorization of the attorney general."

At one point, Rudd, a former FBI agent, declared, "It is clear that some members of this new administration, who were linked with the New Left activists of the anti-Vietnam era, would like to see federal law enforcement officials dragged through the legal mud of indictment and trial in cases like this."

Asked specifically to identify these individuals, Rudd said he could not remember their names, but had read about them in Human Events, a conservative magazine.

After Rudd's speech and in a later interview, Angleton said his meetings with Mardian began in late 1970 or early 1971. He said that Mardian had called the meetings to bring about a better line of communication between the CIA, FBI and the Justice Department.

"I'M NOT HERE criticizing Mardian, he was trying to organize things," Angleton said.

Angleton said that at the meetings with Mardian he discussed the techniques the FBI and CIA were using along with "objectives and missions in the counterespionage area." He said that "junior" representatives of the FBI were present at some of the meetings but he could not identify them today.

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